TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

CHAPTER 4—PUERTO RICO

SUBCHAPTER I—GENERAL PROVISIONS

§ 751. Interstate commerce and certain other laws inapplicable to Puerto Rico

CODIFICATION

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended, which was classified to chapters 1 (§ 1 et seq.), 8 (§ 301 et seq.), 12 (§ 901 et seq.), 13 (§ 1001 et seq.), and 19 (§ 1231 et seq.) of Title 49, Transportation. The Act was repealed by Pub. L. 95-473, § 4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see Table at the beginning of Title 49.

CHAPTER 7—THE VIRGIN ISLANDS

SUBCHAPTER I—GENERAL PROVISIONS

§ 1401f. Purchases

REPEATED

Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 965.

Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95-74, title I, § 100, July 26, 1977, 91 Stat. 295.

SUBCHAPTER III—VIRGIN ISLANDS CORPORATION

§ 1407f. Corporate use of funds

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CHAPTER 8A—GUAM

SUBCHAPTER IV—THE JUDICIARY

Sec.

1424c. Review of claims respecting land on Guam [New].
- (a) Jurisdiction.
- (b) Acquisitions effected through condemnation proceedings.
- (c) Fair compensation.
- (d) Employment of special masters or judges.
- (e) Awards.
- (f) Limitation on attorney's fees; violation; penalty.
- (g) Availability of documents, records, and writings to court.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1421. Territory included under name Guam

ANALYSIS OF CAPITAL INFRASTRUCTURE NEEDS OF GUAM FOR 1985 TO 1990 TIMEFRAME; REPORT TO CONGRESS; CONTENTS

Pub. L. 95-348, § 1(a)(6), Aug. 18, 1978, 92 Stat. 487, which provided that the Secretary prepare and transmit to the Congress no later than July 1, 1979, an analysis of the capital infrastructure needs of Guam for the 1985 to 1990 timeframe, was omitted from the Code as executed.

GUAM AND VIRGIN ISLANDS; APPLICABILITY OF LAWS REFERRED TO IN SECTION 502(a)(1) OF COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Laws referred to in section 502(a)(1) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands, see section 403 of Pub. L. 95-134, set out as a note under section 1681 of this title.

§ 1421e. Duty on articles

EFFECTIVE DATE OF 1954 AMENDMENT

Section 601 of act Sept. 1, 1954, 68 Stat. 1141, provided that: "Titles II, III, IV, and VI of this Act [which enacted section 1301a of Title 19, Customs Duties, amended sections 1421e and 1644 of this title and sections 160, 161(a), 1001 (par. 1559), and 1201 (par. 1615(g)) of Title 19] shall be effective on and after the thirtieth day following the date of the enactment of this Act [Sept. 1, 1954]".

§ 1421h. Duties, taxes, and fees; proceeds collected to constitute fund for benefit of Guam; prerequisites, amount, etc., remitted prior to commencement of next fiscal year

All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam, and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the

annual budgets; except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1954 [26 U.S.C. 1401 et seq., 3101 et seq.]. Beginning as soon as the government of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of Guam the amount of duties, taxes, and fees which the governor of Guam, with the concurrence of the government comptroller of Guam, has estimated will be collected in or derived from Guam under this section during the next fiscal year, except for those sums covered directly upon collection into the treasury of Guam. The Secretary of the Treasury shall deduct from or add to the amounts so remitted the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of Public Law 94-395 (90 Stat. 1199) or Public Law 88-170, as amended (82 Stat. 863).

(As amended Aug. 18, 1978, Pub. L. 95-348, § 1(c), 92 Stat. 488.)

REFERENCES IN TEXT

Pub. L. 94-395 (90 Stat. 1199), referred to in text, was enacted Sept. 3, 1976, and amended section 1423a of this title.

Pub. L. 88-170, as amended (82 Stat. 863), referred to in text, is Pub. L. 88-170, Nov. 4, 1963, 77 Stat. 302, as amended by Pub. L. 90-511, Sept. 24, 1968, 82 Stat. 863, which was not classified to the Code.

AMENDMENTS

1978—Pub. L. 95-348 added provisions relating to authorization, amount, computation, etc., of remittance, prior to commencement of any fiscal year, of duties, taxes, and fees to be collected in or derived from Guam under this section during that next fiscal year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1423a of this title; title 26 sections 932, 7651.

§ 1421i. Income tax

(a) Applicability of Federal laws; separate tax

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam: *Provided*, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

[*See main edition for text of* (*b*) *to* (*h*)]

(As amended Oct. 15, 1977, Pub. L. 95-134, title II, § 203(c), 91 Stat. 1162.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-134 added provision that the Legislature of Guam may levy a separate tax on taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

SUBCHAPTER II—THE EXECUTIVE BRANCH

§ 1422d. Government comptroller

(a) Creation of office; appointment, transfer, and removal

The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for Guam who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of Guam. Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

[*See main edition for text of* (*b*) *to* (*j*)]

(As amended Oct. 15, 1977, Pub. L. 95-134, title II, § 203(a), 91 Stat. 1161.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-134 substituted provisions authorizing the salary and expenses of the Comptroller's office to be paid from funds appropriated to the Department of Interior, effective Oct. 1, 1977, for provisions authorizing the salary and expenses of the Comptroller's office to be paid by the United States from funds otherwise to be covered into the treasury of Guam pursuant to section 1421h of this title.

SUBCHAPTER III—THE LEGISLATURE

§ 1423*l*. Purchases

REPEALED

Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 965.

Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95-74, title I, § 100, July 26, 1977, 91 Stat. 295.

SUBCHAPTER IV—THE JUDICIARY

§ 1424. District Court of Guam; jurisdiction; appellate division; rules of procedure

(a) There is created a court of record to be designated the "District Court of Guam", and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have the jurisdiction of a district court and a bankruptcy court of the United States in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by

the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine. The jurisdiction of and the procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam.

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1424b(a) of this title. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, in civil cases; section 2073 of title 28, in admiralty cases; sections 3771 and 3772 of title 18, in criminal cases; and section 2075 of title 28, in cases under title 11, shall apply to the District Court of Guam and to appeals therefrom; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, and except further that the terms "attorney for the government" and "United States attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

(As amended Nov. 6, 1978, Pub. L. 95-598, title III, § 335, 92 Stat. 2680.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-598, § 335(a), inserted "and a bankruptcy court".

Subsec. (b). Pub. L. 95-598, § 335(b), substituted "section 2075 of title 28, in cases under title 11;" for "section 53 of title 11, in bankruptcy cases,".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of subsec. (a) by section 335(a) of Pub. L. 95-598 effective Apr. 1, 1984, see section 402(e) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Amendment of subsec. (b) by section 335(b) of Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11.

§ 1424c. Review of claims respecting land on Guam

(a) Jurisdiction

Notwithstanding any law or court decision to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944, and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence, or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Acquisitions effected through condemnation proceedings

Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain res judicata and shall not be subject to review hereunder.

(c) Fair compensation

Fair compensation for purposes of this Act is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid. Interest may not be allowed from the time of acquisition to the date of the award on such additional amounts as may be awarded pursuant to this section.

(d) Employment of special masters or judges

The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards

Awards made hereunder shall be judgments against the United States.

(f) Limitation on attorney's fees; violation; penalty

Attorney's fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both. A reasonable attorney's fee may be awarded in appropriate cases.

(g) Availability of documents, records, and writings to court

All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

(Pub. L. 95-134, title II, § 204, Oct. 15, 1977, 91 Stat. 1162.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, which enacted sections 1424c and 1469a of this title, amended sections 1421i, 1422d, 1428, 1574, 1575, 1599, and 1681b of this title, enacted provisions set out as notes under section 1681 of this title, section 7651 of Title 26, Internal Revenue Code, and section 1457 of Title 43, Public Lands, and amended provisions set out as a note under section 1681 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SUBCHAPTER VI—GUAM DEVELOPMENT FUND

§ 1428. Authorization of appropriations

(a) For the purpose of promoting economic development in the territory of Guam, there is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of this subchapter the sum of $5,000,000.

(b) In addition to the appropriations authorized in subsection (a) of this section, $1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out the purposes of this subchapter.

(As amended Pub. L. 95-134, title II, § 202, Oct. 15, 1977, 91 Stat. 1161.)

AMENDMENTS

1977—Pub. L. 95-134 designated existing provisions as subsec. (a) and added subsec. (b).

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

Sec.

1469a. Congressional declaration of policy respecting "Insular Areas" [New].
1469b. Auditing of transactions of Territorial and local governments [New].

§ 1469a. Congressional declaration of policy respecting "Insular Areas"

In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as "Insular Areas") it is declared to be the policy of the Congress, notwithstanding any provision of law to the contrary, that:

(a) Any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

(b) Any consolidated grant for any insular area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of the funds granted which shall be allocated to such programs and purposes.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: *Provided,* That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the Insular Area involved and (ii) waive the requirement that any Insular Area submit an application or report in writing with respect to any consolidated grant.

(Pub. L. 95-134, title V, § 501, Oct. 15, 1977, 91 Stat. 1164; Pub. L. 95-348, § 9, Aug. 18, 1978, 92 Stat. 495.)

AMENDMENTS

1978—Pub. L. 95-348, § 9(1), in introductory material added ", notwithstanding any provision of law to the contrary," following "Congress".

Subsec. (a). Pub. L. 95-348, § 9(2), substituted "Any" for "Notwithstanding any provision of law to the contrary, any".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 710; title 42 section 3020a.

§ 1469b. Auditing of transactions of Territorial and local governments

All financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23) as amended [31 U.S.C. 1 et seq.], and the Accounting and Auditing Act of 1950 (64 Stat. 834) [31 U.S.C. 65 et seq.].

(Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 965.)

REFERENCES IN TEXT

Herein provided for, referred to in text, means provided for in Pub. L. 96-126.

The Budget and Accounting Act, 1921 (42 Stat. 23), as amended, referred to in text, is act June 10, 1921, ch. 18, 42 Stat. 20, as amended, which is classified principally to chapter 1 (§ 1 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see section 1 of Title 31 and Tables.

The Accounting and Auditing Act of 1950 (64 Stat. 834), referred to in text, is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 65 of Title 31 and Tables.

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1980. Similar provisions were contained in the following prior appropriations Acts:

1978—Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

§ 1470a. Availability of appropriations for surface vessels

REPEATED

Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 965.

Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95-74, title I, § 100, July 26, 1977, 91 Stat. 295.

§§ 1480 to 1480b. Repealed. Pub. L. 95-584, § 1, Nov. 2, 1978, 92 Stat. 2483

Section 1480, R.S. § 1890, related to the right of religious corporations to hold real estate.

Section 1480a, act Mar. 3, 1887, ch. 397, § 26, 24 Stat. 641, related to real estate necessary for the use of congregations.

Section 1480b, act Sept. 22, 1950, ch. 986, 64 Stat. 905, related to the inapplicability of sections 1480 and 1480a to Alaska.

EFFECT OF REPEAL

Section 2 of Pub. L. 95-584 provided that: "This repeal [repealing sections 1480 to 1480b of this title] may not be considered or construed as endorsement, support, or permission for any development on or other use of any land in any territory or possession of the United States; nor shall it be evidence of congressional or other intent to confirm title to any lands in said territories or possessions claimed by any association, corporation, or other entity for religious or charitable purposes."

CHAPTER 12—THE VIRGIN ISLANDS

SUBCHAPTER VII—FISCAL PROVISIONS

Sec.
1642a. Availability of collected customs duties for expenditures as the Legislature may provide [New].
1645. Remittance of duties, taxes, and fees to be collected in next fiscal year; authorization, prerequisites, amount, etc. [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1645 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1541. Organization and status

GUAM AND VIRGIN ISLANDS; APPLICABILITY OF LAWS REFERRED TO IN SECTION 502(A)(1) OF COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Laws referred to in section 502(a)(1) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands, see section 403 of Pub. L. 95-134, set out as a note under section 1681 of this title.

SUBCHAPTER III—LEGISLATIVE BRANCH

§ 1574. Legislative powers and activities

[*See main edition for text of (a) to (e)*]

(f) Customs duty; duty-free importation; effect on other customs laws

(1) The Legislature of the Virgin Islands may impose on the importation of any article into the Virgin Islands for consumption therein a customs duty. The rate of any customs duty imposed on any article under this subsection may not exceed—

(A) if an ad valorem rate, 6 per centum ad valorem; or

(B) if a specific rate or a combination ad valorem and specific rate, the equivalent or 6 per centum ad valorem.

(2) Nothing in this subsection shall prohibit the Legislature of the Virgin Islands from permitting the duty-free importation of any article.

(3) Nothing in this subsection shall be construed as empowering the Legislature of the Virgin Islands to repeal or amend any provision in law in effect on the day before October 15, 1977, which pertains to the customs valuation or customs classification of articles imported into the Virgin Islands.

(As amended Oct. 15, 1977, Pub. L. 95-134, title III, § 301(c), 91 Stat. 1163.)

AMENDMENTS

1977—Subsec. (f). Pub. L. 95-134 added subsec. (f).

§ 1574a. Revenue bonds or other obligations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1574b, 1574c, 1645 of this title.

§ 1574b. Federal guarantee for issuance of revenue bonds or other obligations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1574a, 1574c, 1645 of this title.

§ 1574c. Priority for payment of principal and interest of revenue bonds or other obligations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1645 of this title.

§ 1574d. Grants for government operations; authorization of Secretary; limitation

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1645 of this title.

§ 1575. Legislative procedure

[*See main edition for text of* (a) *and* (b)]

(c) Governor's message and budget

The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July or such other date as the Legislature of the Virgin Islands may determine.

(d) Approval and disapproval of bills

Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect, unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature.

[*See main edition for text of* (e) *to* (g)]

(As amended Oct. 15, 1977, Pub. L. 95-134, title III, § 301(b), 91 Stat. 1163; Aug. 18, 1978, Pub. L. 95-348, § 4(c)(1), 92 Stat. 490.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-348 added provision authorizing the Virgin Islands Legislature to determine other dates on which the fiscal year shall commence.

1977—Subsec. (d). Pub. L. 95-134 inserted ", unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature" following "shall not take effect".

SUBCHAPTER IV—EXLCUTIVE BRANCH

§ 1599. Government comptroller

(a) Appointment; status; compensation; transfer or removal procedure

The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for the Virgin Islands who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands. Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

[*See main edition for text of* (b) *to* (k)]

(As amended Oct. 15, 1977, Pub. L. 95-134, title III, § 301(a), 91 Stat. 1162.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-134 substituted provisions authorizing the salary and expenses of the Comptroller's office to be paid from funds appropriated to the Department of Interior, effective Oct. 1, 1977, for provisions authorizing the salary and expenses of the Comptroller's office to be paid by the United States from funds derived by transfer from the Internal Revenue collections appropriated for the Virgin Islands.

SUBCHAPTER V—JUDICIAL BRANCH

§ 1612. Jurisdiction of District Court; transfer of actions

The District Court of the Virgin Islands shall have the jurisdiction of a district court and a bankruptcy court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this chapter upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

(As amended Nov. 6, 1978, Pub. L. 95-598, title III, § 336(a), 92 Stat. 2680.)

AMENDMENTS

1978—Pub. L. 95-598 inserted "and a bankruptcy court" following "jurisdiction of a district court".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Apr. 1, 1984, see section 402(e) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 1615. Judicial divisions; sessions; applicability of procedural rules; prosecution by information or indictment

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, in civil cases, section 2073 of such title, in admiralty cases, and section 2075 of title 28 in cases under title 11, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

(As amended Nov. 6, 1978, Pub. L. 95-598, title III, § 336(b), 92 Stat. 2680.)

AMENDMENTS

1978—Pub. L. 95-598 substituted "section 2075 of title 28 in cases under title 11" for "section 53 of title 11 in bankruptcy cases".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1641. Method of payment of official salaries

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR ANTICIPATED DEFICITS DURING FISCAL YEARS 1979 THROUGH 1981; TERMS AND CONDITIONS; REPORT ON FINANCIAL CONDITION; CONTENTS

Pub. L. 95-348, § 4(d), Aug. 18, 1978, 92 Stat. 491, provided that: "There are hereby authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000 per annum, for fiscal years 1979, 1980, and 1981 for grants to the government of the Virgin Islands to offset any anticipated deficit during such fiscal years. The Secretary is authorized and directed, after consultation with the Governor of the Virgin Islands, to impose such conditions and requirements, on these grants as he deems advisable. Not later than July 1, 1979, the Secretary shall submit to the Congress a report on the financial condition of the Virgin Islands. The report shall:

"(1) identify, the specific sources of revenues, both Federal and local, available to the government of the Virgin Islands;

"(2) chart the revenues derived from each source and what, if any, increases could be occasioned in the amount of such revenues by actions of the Virgin Islands Government;

"(3) describe the extent to which changes in actual revenues were occasioned by actions of the Federal Government or by circumstances beyond the control of the Virgin Islands Government;

"(4) analyze expenditures to determine what economies, if any, could be obtained and identify the actions which could be taken by the Virgin Islands Government to obtain such economies;

"(5) review the long term debt structure of the Virgin Islands Government, including, but not limited to, whether such debt was incurred for purposes authorized by law, the total amount of such debt, the relation of the total debt ceiling, and the impact retirement of the debt will have on the future economic situation of the Virgin Islands;

"(6) detail and discuss various alternatives available to the government of the Virgin Islands and the Federal Government to revise and improve the process of supporting the necessary expenditures of the Virgin Islands Government; and

"(7) include his recommendations for any changes he deems advisable in the present Federal-territorial economic relationship."

§ 1642. Use of certain proceeds for expenditure; income tax obligations of inhabitants

The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this chapter shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(As amended Aug. 18, 1978, Pub. L. 95-348, § 4(c)(3), 92 Stat. 491.)

AMENDMENTS

1978—Pub. L. 95-348 struck out "less the cost of collecting all of said duties, taxes, and fees," preceding "shall be covered".

§ 1642a. Availability of collected customs duties for expenditures as the Legislature may provide

Notwithstanding any other provision of law, the proceeds of customs duties collected in the Virgin Islands less the cost of collecting all said duties shall, effective for fiscal years beginning after September 30, 1978, be covered into the Treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide.

(Pub. L. 96-38, title I, July 25, 1979, 93 Stat. 122.)

§ 1644. Import duties on articles entering United States or possessions from Virgin Islands

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Sept. 1, 1954, effective on and after the thirtieth day following Sept. 1, 1954, see section 601 of act Sept. 1, 1954, set out as an Effective Date of 1954 Amendment note under section 1421e of this title.

§ 1645. Remittance of duties, taxes, and fees to be collected in next fiscal year; authorization, prerequisites, amount, etc.

Beginning as soon as the government of the Virgin Islands enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of the Virgin Islands the amount of duties, taxes, and fees which the Governor of the Virgin Islands, with the concurrence of the government comptroller of the Virgin Islands, has estimated will be collected in or derived from the Virgin Islands under the Revised Organic Act of the Virgin Islands [48 U.S.C. 1541 et seq.] during the next fiscal year, except for those sums covered directly upon collection into the treasury of the Virgin Islands. There shall be deducted from or added to the amounts so remitted, as may be appropriate, at the beginning of the fiscal year, the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of sections 1574a to 1574d of this title.

(Pub. L. 95-348, § 4(c)(2), Aug. 18, 1978, 92 Stat. 490.)

REFERENCES IN TEXT

The Revised Organic Act of the Virgin Islands, referred to in text, is act July 22, 1954, ch. 558, 68 Stat. 497, as amended, which is classified principally to this chapter (§ 1541 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

CHAPTER 13—EASTERN SAMOA

§ 1665. Purchases by government of Samoa

REPEALED

Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 965.

Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95-74, title I, § 100, July 26, 1977, 91 Stat. 295.

§ 1666. Extension of scientific, technical, and other assistance; grant-in-aid program restriction; limitations on expenditures

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions and redesignation of the Secretary of Health, Education, and Welfare as the Secretary of Health and Human Services see sections 3441, 3503, and 3508 of Title 20, Education.

CHAPTER 14—TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec.

1694. District Court for the Northern Mariana Islands [New].
(a) Establishment; judicial circuit; terms of court.
(b) Appointment, term, compensation, etc., of District Court judge, United States attorney, and United States marshal.
(c) Applicability of Federal rules and statutory requirements.
1694a. Jurisdiction of District Court equivalent to United States district court; original jurisdiction; procedural requirements [New].
1694b. Jurisdiction of District Court in appellate matters; procedural requirements [New].
1694c. Relationship between courts established by United States Constitution or laws and courts of the Northern Mariana Islands; applicability of statutory provisions [New].
1694d. Effective date [New].
1694e. Authorization of appropriations [New].

§ 1681. Continuance of civil government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursements

ESTABLISHMENT OF PERMANENT LOCATION FOR DISPLACED PEOPLE OF BIKINI ISLAND; PROGRESS REPORT TO CONGRESS; CONTENTS

Pub. L. 95-348, § 2(c), Aug. 18, 1978, 92 Stat. 488, which provided that the Secretary of the Interior prepare and submit to Congress by July 1, 1979, a progress report on the efforts to establish a permanent location for the displaced people of Bikini Island, was omitted from the Code as executed.

FOOD STAMP PROGRAM AND DISTRIBUTION OF FEDERALLY DONATED FOODS IN NORTHERN MARIANA ISLANDS; PREREQUISITES, IMPLEMENTATION, ETC.

Pub. L. 95-348, § 3(c), Aug. 18, 1978, 92 Stat. 489, provided that: "Notwithstanding the provisions of the Food Stamp Act of 1977 [section 2011 et seq. of Title 7, Agriculture], the Secretary of Agriculture is authorized, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with section 5 and 7 of article II of the Constitution of the Northern Mariana Islands, and for the period during which such legislation is effective, (1) to implement a food stamp program in part or all of the Northern Mariana Islands with such income and household standards of eligibility, deductions, and allotment values as the Secretary determines, after consultation with the Governor, to be suited to the economic and social circumstances of such islands: *Provided*, That in no event shall such income standards of eligibility exceed those in the forty-eight contiguous States, and (2) to distribute or permit a distribution of federally donated foods in any part of the Northern Mariana Islands for which the Governor has not requested that the food stamp program be implemented. This authority shall remain in effect through September 30, 1981, and shall not apply to section 403 of Public Law 95-135 [probably means section 403 of Pub. L. 95-134, as amended by Pub. L. 95-135, § 1, Oct. 15, 1977, 91 Stat. 1166, set out as a note below]."

ADMINISTRATION AND ENFORCEMENT OF REVENUE AND TAXATION PROVISIONS OF COVENANT RESPECTING COMMONWEALTH OF NORTHERN MARIANA ISLANDS; AUTHORIZATION, PREREQUISITES, ETC.

Pub. L. 95-348, § 3(d), Aug. 18, 1978, 92 Stat. 489, provided that: "The Secretary of the Treasury is authorized and directed, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the Constitution of the Northern Mariana Islands, without reimbursement or other cost to the government of the Northern Mariana Islands, to administer and enforce the provisions of section 601, 603, or 604 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94-241; 90 Stat. 263, 269) [set out as a note under this section, in the main edition] and in order to administer and enforce the collection of any payroll tax or other tax measured by income which may be in force in the Northern Mariana Islands pursuant to section 602 of such Covenant. This authority shall continue until such time as the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the Constitution of the Northern Mariana Islands, requests the Secretary of the Treasury to discontinue the administration and enforcement of such taxes. The administration and enforcement of such taxes by the government of the Northern Mariana Islands shall begin on January 1 of the year following the year in which such Northern Mariana Islands law is enacted."

GUAM AND VIRGIN ISLANDS; APPLICABILITY OF LAWS REFERRED TO IN SECTION 502(a)(1) OF COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Pub. L. 95-134, title IV, § 403, Oct. 15, 1977, 91 Stat. 1163, as amended by Pub. L. 95-135, § 1, Oct. 15, 1977, 91 Stat. 1166, provided that: "Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America [set out in a note under this section in the 1976 edition of the Code], approved by joint resolution approved on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicaid which is now administered by the Health Care Financing Administration, and except the Micronesian Claims Act of 1971 (85 Stat. 96) [former section 2018 et seq. of the Appendix to Title 50, War and National Defense] shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands."

Section 2 of Pub. L. 95-135, Oct. 15, 1977, 91 Stat. 1166, provided that: "This amendatory joint resolution [amending this note] shall be effective as of the approval of said Act entitled 'To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes' (enrolled bill H.R. 6550, Ninety-fifth Congress, first session) [Pub. L. 95-134, approved Oct. 15, 1977]."

AUTHORIZATION OF APPROPRIATIONS

Section 2 of Act June 30, 1954, as amended July 19, 1962, Pub. L. 87-541, 76 Stat. 171; May 10, 1967, Pub. L. 90-16, § 1, 81 Stat. 15; Oct. 21, 1968, Pub. L. 90-617, § 1, 82 Stat. 1213; Dec. 24, 1970, Pub. L. 91-578, 84 Stat. 1559; Sept. 21, 1973, Pub. L. 93-111, § 1, 87 Stat. 354; May 28, 1975, Pub. L. 94-27, § 1, 89 Stat. 95; Apr. 1, 1976, Pub. L. 94-255, § 1, 90 Stat. 299; Oct. 15, 1977, Pub. L. 95-134, title I, § 101, 91 Stat. 1159, provided that: "There are authorized to be appropriated not to exceed $25,000,000 for fiscal year 1967, for fiscal year 1975, $75,000,000 for fiscal year 1976, $80,000,000; for the period beginning July 1, 1976, and ending September 30, 1976, $15,100,000; for fiscal year 1977, $80,000,000; and such amounts as were authorized but not appropriated for fiscal years 1975, 1976, and 1977; for fiscal year 1978, $90,000,000; for fiscal year 1979, $122,700,000; for fiscal year 1980, $112,000,000; and up to but not to exceed $8,000,000 for the construction of such buildings as are required for a four-year college to serve the Micronesian community (no appropriations for the construction of such buildings shall, however, be made (A) until, but not later than one year after the date of the enactment of this Act [Apr. 1, 1976], the President causes a study to be made by an appropriate authority to determine the educational need and the most suitable educational concept for such a college and transmits such study, together with his recommendations, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of the United States within said one year period and (B) until 90 calendar days after the receipt of such study and recommendations which shall be deemed approved unless specifically disapproved by resolution of either such committee), and $1,800,000 for a human development project in the Marshall Islands plus such sums as are necessary, for each of such fiscal years, or periods, to offset reductions in, or the termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies, to remain available until expended, to carry out the provisions of this Act [this section] and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: *Provided*, That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

PROC. NO. 4534. CONSTITUTION OF NORTHERN MARIANA ISLANDS

Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, provided: On February 15, 1975, the Marianas Political Status Commission, the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States signed a Covenant, the purpose of which is to provide for the eventual establishment of a Commonwealth of the Northern Mariana Islands in political union with the United States of America. This Covenant was subsequently approved by the Mariana Islands District Legislature and by the people of the Northern Mariana Islands voting in a plebiscite. The Covenant was approved by the Congress of the United States by joint resolution approved March 24, 1976 (Public Law 94-241; 90 Stat. 263) [set out as a note under this section in the main edition].

In accordance with the provisions of Article II of the Covenant, the people of the Northern Mariana Islands have formulated and approved a Constitution which was submitted to me on behalf of the Government of the United States on April 21, 1977, for approval on the basis of its consistency with the Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. Pursuant to the provisions of Section 202 of the Covenant, the Constitution of the Northern Mariana Islands will be deemed to have been approved by the Government of the United States six months after the date of submission to the President unless sooner approved or disapproved.

The six-month period of Section 202 of the Covenant having expired on October 22, 1977, I am pleased to announce that the Constitution of the Northern Mariana Islands is hereby deemed approved.

I am satisfied that the Constitution of the Northern Mariana Islands complies with the requirements of Article II of the Covenant. I have also received advice

from the Senate Committee on Energy and Natural Resources and the Subcommittee on National Parks and Insular Affairs of the House Committee on Interior and Insular Affairs that the Constitution complies with those requirements.

Sections 1003(b) and 1004(b) of the Covenant provide that the Constitution of the Northern Mariana Islands and the provisions specified in Section 1003(b) of the Covenant shall become effective on a date proclaimed by the President which will be not more than 180 days after the Covenant and the Constitution of the Northern Mariana Islands have both been approved.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim as follows:

SECTION 1. The Constitution of the Northern Mariana Islands shall come into full force and effect at eleven o'clock on the morning of January 9, 1978, Northern Mariana Islands local time.

SEC. 2. Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601-605, 607, Article VII, Sections 802-805, 901 and 902 of the Covenant shall come into full force and effect on the date and at the time specified in Section 1 of this Proclamation.

SEC. 3. The authority of the President under Section 1004 of the Covenant to suspend the application of any provision of law to or in the Northern Mariana Islands until the termination of the Trusteeship Agreement is hereby reserved.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.

JIMMY CARTER.

PROC. NO. 4568. APPLICATION OF CERTAIN UNITED STATES LAWS TO THE NORTHERN MARIANA ISLANDS

Proc. No. 4568, May 9, 1978, 43 F.R. 19999, provided:

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). The United States has undertaken to promote the political development of the Trust Territory toward self-government or independence and to protect the rights and fundamental freedoms of its people.

In accordance with those obligations, the United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263) [set out as a note under this section]. Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended.

Certain provisions of law restrict jury service in Federal District Courts to United States citizens. The vast majority of the inhabitants of the Northern Mariana Islands are not citizens of the United States and consequently may not participate as jurors in proceedings before the United States District Court for the Northern Mariana Islands. They may also be deprived of the right to have their cases heard before juries selected at random from a fair cross-section of their community. These results would be contrary to the obligations assumed by the United States in the Trusteeship Agreement.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby find, declare and proclaim as follows:

Any provision of the Constitution or laws of the United States which prescribes United States citizenship as a qualification for service on a grand or petit jury in the District Court for the Northern Mariana Islands, including that provision contained in Section 1865(b)(1) of Title 28 of the United States Code, would be inconsistent with the Trusteeship Agreement if applied to a citizen of the Trust Territory of the Trust Territory of the Pacific Islands who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands.

Therefore, the application to such individual of any of these provisions is suspended until the termination of the Trusteeship Agreement for the Former Japanese Mandated Islands in the Pacific (61 Stat. 3301).

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of May, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

JIMMY CARTER.

§ 1681b. Government comptroller of Guam; additional duties

(a) General provision; general supervision of Secretary of the Interior; other than executive department status; apportionment of salary and expenses between Guam and Trust Territory

The government comptroller for Guam appointed pursuant to the provisions of section 9-A of the Organic Act of Guam [48 U.S.C. 1422d] shall, in addition to the duties imposed on him by such Act [48 U.S.C. 1421 et seq.], carry out, on and after September 21, 1973, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands.

[*See main edition for text of* (b) *to* (j)]

(As amended Oct. 15, 1977, Pub. L. 95-134, title II, § 203(b), 91 Stat. 1162.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-134 struck out provisions relating to the apportionment of salary and expenses of the comptroller's office between Guam and and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

§ 1682. Purchases by government of Trust Territory of the Pacific Islands

The government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

(Pub. L. 96-126, title I, § 100, Nov. 27, 1979, 93 Stat. 966.)

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1980. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95-465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95-74, title I, § 100, July 26, 1977, 91 Stat. 295.

Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1053.

§ 1683. Auditing of transactions of Trust Territory of the Pacific Islands

All financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended [31 U.S.C. 1 et seq.], and the Accounting and Auditing Act of 1950 (64 Stat. 834) [31 U.S.C. 65 et seq.].

(Pub. L. 96–126, title I, § 100, Nov. 27, 1979, 93 Stat. 966.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921 (42 Stat. 23), as amended, referred to in text, is act June 10, 1921, ch. 18, 42 Stat. 20, as amended, which is classified principally to chapter 1 (§ 1 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see section 1 of Title 31 and Tables.

The Accounting and Auditing Act of 1950 (64 Stat. 834), referred to in text, is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 65 of Title 31 and Tables.

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1980. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95–465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95–74, title I, § 100, July 26, 1977, 91 Stat. 295.

Pub. L. 94–373, title I, § 100, July 31, 1976, 90 Stat. 1053.

§ 1687. Expenditure of appropriations for Trust Territory of the Pacific Islands to purchase, charter, maintain, and operate surface vessels

Appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

(Pub. L. 96–126, title I, § 100, Nov. 27, 1979, 93 Stat. 966.)

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1980. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95–465, title I, § 100, Oct. 17, 1978, 92 Stat. 1289.

Pub. L. 95–74, title I, § 100, July 26, 1977, 91 Stat. 295.

Pub. L. 94–373, title I, § 100, July 31, 1976, 90 Stat. 1053.

§ 1694. District Court for the Northern Mariana Islands

(a) Establishment; judicial circuit; terms of court

There is established for and within the Northern Mariana Islands a court of record to be known as the District Court for the Northern Mariana Islands. The Northern Mariana Islands shall constitute a part of the same judicial circuit of the United States as Guam. Terms of court shall be held on Saipan and at such other places and at such times as the court may designate by rule or order.

(b) Appointment, term, compensation, etc., of District Court judge, United States attorney, and United States marshal

(1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mariana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

(3) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for the Northern Mariana Islands to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.

(4) If the President appoints a judge for the District Court for the Northern Mariana Islands or a United States attorney or a United States marshal for the Northern Mariana Islands who at that time is serving in the same capacity in another district, the appointment shall, without prejudice to a subsequent appointment, be for the unexpired term of such judge or officer.

(c) Applicability of Federal rules and statutory requirements

The provisions of chapters 43 and 49 of title 28, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms "attorney for the government" and "United States attorney" as used in the Federal Rules of Crimi-

nal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein.

(Pub. L. 95–157, § 1, Nov. 8, 1977, 91 Stat. 1265.)

REFERENCES IN TEXT

The Act of March 24, 1976 (90 Stat. 263), referred to in subsec. (c), is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, which incorporates therein the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America and is set out as a note under section 1681 of this title.

The Federal Rules of Criminal Procedure, referred to in subsec. (c), are classified to Title 18 App., Crimes and Criminal Procedure.

EFFECTIVE DATE

For effective date of this section, see section 1694d of this title and Effective Date of Constitution note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1694b, 1694c, 1694d, 1694e of this title.

§ 1694a. Jurisdiction of District Court equivalent to United States district court; original jurisdiction; procedural requirements

(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy.

(b) The district court shall have original jurisdiction in all causes in the Northern Mariana Islands not described in subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

(Pub. L. 95–157, § 2, Nov. 8, 1977, 91 Stat. 1266.)

EFFECTIVE DATE

For effective date of this section, see section 1694d of this title and Effective Date of Constitution note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1694c, 1694d, 1694e of this title.

§ 1694b. Jurisdiction of District Court in appellate matters; procedural requirements

The district court shall have such appellate jurisdiction as the Constitution and laws of the Northern Mariana Islands provide. Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1694(b)(2) of this title: *Provided, however,* That only one of them shall be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(Pub. L. 95–157, § 3, Nov. 8, 1977, 91 Stat. 1266.)

CODIFICATION

Section 1694(b)(2) of this title, referred to in text, read in the original "subsection 1(b)(2)" which has been translated as section 1694(b)(2) of this title to reflect the probable intent of Congress in view of the absence of such subsection in this section.

EFFECTIVE DATE

For effective date of this section, see section 1694d of this title and Effective Date of Constitution note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in 1694c, 1694d, 1694e of this title.

§ 1694c. Relationship between courts established by United States Constitution or laws and courts of the Northern Mariana Islands; applicability of statutory provisions

(a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in article IV of the covenant: *Provided,* That for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States court of appeals for the judicial circuit which includes the Northern Mariana Islands shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties, or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to section 1694b of this title.

(b) Those portions of title 28 which apply to Guam or the District Court of Guam shall be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Is-

lands, respectively, except as otherwise provided in article IV of the covenant. The district court established by sections 1694 to 1694e of this title shall be a district court as that term is used in section 3006A of title 18.

(Pub. L. 95-157, § 4, Nov. 8, 1977, 91 Stat. 1266.)

REFERENCES IN TEXT

The covenant, referred to in text, is incorporated in Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which is set out as a note under section 1681 of this title.

EFFECTIVE DATE

For effective date of this section, see section 1694d of this title and Effective Date of Constitution note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1694d, 1694e of this title.

§ 1694d. Effective date

Sections 1694 to 1694e of this title shall come into force upon its approval or at the time proclaimed by the President for the Constitution of the Northern Mariana Islands to become effective, whichever is the later date.

(Pub. L. 95-157, § 5, Nov. 8, 1977, 91 Stat. 1267.)

EFFECTIVE DATE OF CONSTITUTION

For provisions of proclamation of President relating to effective date for Constitution of Northern Mariana Islands, see Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, set out as a note under section 1681 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1694c, 1694e of this title.

§ 1694e. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 1694 to 1694e of this title.

(Pub. L. 95-157, § 6, Nov. 8, 1977, 91 Stat. 1267.)

EFFECTIVE DATE

For effective date of this section, see section 1694d of this title and Effective Date of Constitution note thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1694c, 1694d of this title.

CHAPTER 16—DELEGATES TO CONGRESS

SUBCHAPTER I—GUAM AND VIRGIN ISLANDS

Sec.
1711. Delegate to House of Representatives from Guam and Virgin Islands.
1712. Election of delegates; majority; runoff election; vacancy; commencement of term.
1713. Qualifications for Office of Delegate.
1714. Territorial legislature; determination of election procedure.
1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee; clerk hire and transportation expenses.

SUBCHAPTER II—AMERICAN SAMOA [NEW]

Sec.
1731. Delegate to House of Representatives from American Samoa.
1732. Election of delegates; majority; runoff election; vacancy; commencement of term.
1733. Qualifications for Office of Delegate.
1734. Territorial government; determination of election procedure.
1735. Operation of Office; compensation, allowances, and benefits; privileges and immunitites; clerk hire.

SUBCHAPTER II—AMERICAN SAMOA [NEW]

§ 1731. Delegate to House of Representatives from American Samoa

The Territory of American Samoa shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 95-556, § 1, Oct. 31, 1978, 92 Stat. 2078.)

§ 1732. Election of delegates; majority; runoff election; vacancy; commencement of term

(a) The Delegate shall be elected by the people qualified to vote for the popularly elected officials of the Territory of American Samoa at the general Federal election of 1980, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot, and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

(Pub. L. 95-556, § 2, Oct. 31, 1978, 92 Stat. 2078.)

§ 1733. Qualifications for Office of Delegate

To be eligible for the office of Delegate a candidate shall—

(a) be at least twenty-five years of age on the date of the election;

(b) owe allegiance to the United States;

(c) be an inhabitant of the Territory of American Samoa; and

(d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 95-556, § 3, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 95-584, § 3, Nov. 2, 1978, 92 Stat. 2483.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-584 substituted allegiance requirement for provision requiring United States citizenship for at least seven years prior to the date of the election.

§ 1734. Territorial government; determination of election procedure

Acting pursuant to legislation enacted in accordance with section 9, article II of the American Samoan Revised Constitution, the territorial government will determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

(Pub. L. 95-556, § 4, Oct. 31, 1978, 92 Stat. 2078.)

§ 1735. Operation of Office; compensation, allowances, and benefits; privileges and immunities; clerk hire

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from American Samoa shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereinafter may be, granted to the nonvoting Delegate from the Territory of Guam: *Provided*, That the clerk hire allowance for the Delegate from American Samoa shall be a single per annum gross rate that is 50 per centum of the clerk hire allowance of a Member of the House of Representatives.

(Pub. L. 95-556, § 5, Oct. 31, 1978, 92 Stat. 2078.)